THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18275 of 2007

28-08-2007

Between:

Pasula Laxminarayana and another.

Petitioners

And

The District Collector,
Karimnagar district, Karimnagar and another.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18275 of 2007

Oral Order:

The petitioners claim to be the owners and possessors of agricultural lands to an extent of Ac.02-18 guntas and Ac.01-07 guntas respectively in survey No. 399 of Sankepalli village, Vemulawada Mandal, Karimnagar district. By a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') published in the Gazette on 15-05-2007, urgency was invoked, the enquiry under Section 5A of the Act dispensed with and the lands notified for acquisition. The

declaration under Section 6 of the Act has also been issued on 15-05-2007 and published in the Gazette No. 28, Karimnagar dated 30-05-2007.

Learned counsel for the petitioners submits that no award has yet been passed. The acquisition proposals are impeached *inter alia* on the ground that there is no rational basis for invoking urgency for acquisition of lands for providing house sites to weaker section people. As the process of enquiry under Section 5A of the Act is not a dilatory process, there appears no justification for invoking urgency and dispensing with the salutary process of enquiry under Section 5A of the Act.

In the circumstances, the invocation of the urgency and dispensing with the enquiry under Section 5A of the Act as specified in the Gazette notification under Section 4 (1) of the Act dated
15-05-2007, is declared irrational and incompetent. The draft declaration under Section 6 of the Act dated 15-05-2007 published in the A.P. Gazettee Part-I Extraodinary of Karimnagar No. 28 dated
30-05-2007 is quashed, if no award had been passed by today. The respondents will now proceed to issue a notice soliciting objections under Section 5A of the Act, shall consider the same and thereafter take proceedings in accordance with the decision of the competent authority which shall be communicated to the petitioners by registered post acknowledgement due. Till then, the

petitioners shall not be dispossessed.

The writ petition is accordingly disposed of. No costs.

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GODA RAGHURAM, J

Dated: 28-08-2007
pvks

Nb:- Furnish c.c. by Monday, i.e., 03-09-2007.
B/o pvks/*